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EXAMINER

DEVOTI, PAUL D

ART UNIT      PAPER NUMBER

3637

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



## DETAILED ACTION

### *Response to Amendment*

1. The substitute specification was received on 11 October 2006 and is acceptable. The objection to the specification from the previous office action is removed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 8, 11-14, 16, 18, 20, are rejected under 35 U.S.C. 102(e) as being anticipated by Palsson et al. (US 2003/0079820).
4. Regarding claim 8, Palsson discloses a building board (1) comprising a first longitudinal edge having a tongue (11), and a second longitudinal edge having a groove (13) bounded by a top lip (B) and a bottom lip (A). The building board also comprises a first transverse edge adjacent to the first and second longitudinal edges and having a tongue, and a second transverse edge adjacent to the first and second longitudinal edges and having a groove (paragraphs 0010, 0011). An upwardly projecting extension on the bottom lip (A) of the second longitudinal edge locks interconnected boards in a

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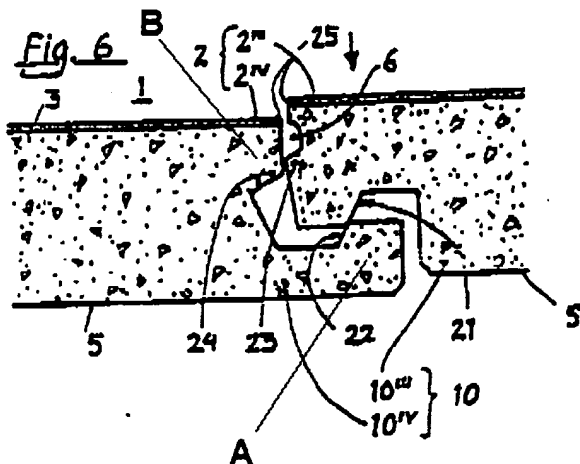
horizontal direction in relation to one another. A front edge of the tongue (13) of the first longitudinal edge comprises a bevel (23). The bottom lip (A) of the second longitudinal edge has a concave recess over its length, and the tongue of the first longitudinal edge has a convex underside which corresponds to the concave recess.

5. Regarding claim 11, the board further comprises a recess (6) formed in the tongue of the first longitudinal edge adjacent to the bevel (23).

6. Regarding claims 12-14, 20, the groove (13) of the second longitudinal edge and second transverse edge comprises a top lip (B) and a bottom lip (A). The bottom lip (A) forms a concave recess inherently capable of accommodating countersunk nail heads or screw heads.

7. Regarding claim 16, the building board (1) comprises a bevel (24) on the top lip (B) of the second longitudinal edge which corresponds to the bevel (23) of the tongue of the first longitudinal edge.

8. Regarding claim 18, the board comprises an upper decorative layer (3) which provides markings on a top side of the board.



Palsson US 2003/0079820 Figure 6

**Claim Rejections - 35 USC § 103**

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, 6-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 2003/0079820).

11. Regarding claim 1, Palsson discloses everything previously mentioned, but does not disclose the board is made of oriented strand board. The background section (paragraph 0005), however, discloses that floor boards can be made of oriented strand board. Therefore, it would have been obvious to one having ordinary skill in the art at

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the time of invention to modify Palsson's floor board to be made of oriented strand board, as this would provide a strong and durable material for a flooring system.

12. Regarding claim 2, Palsson discloses everything previously mentioned, and see the rejection of claim 8 above.

13. Regarding claim 6, Palsson discloses everything previously mentioned, and see the rejection of claim 18 above. Screws or nails could obviously be fastened along the markings.

14. Regarding claim 7, Palsson discloses everything previously mentioned, and see the rejection of claims 12-14, 20, above.

15. Claims 3, 9-10, 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 2003/0079820) in view of Thiers (US 2002/0056245).

16. Regarding claims 3, 9-10, 19, Palsson discloses everything previously mentioned, but does not disclose a chamfer on a top side of the top lip of the second longitudinal edge, or a second chamfer disposed above the tongue of the first longitudinal board. Thiers, however discloses flooring boards (2) having chamfers (15) along the upper edges of the flooring board. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Palsson's board to include chamfers, as this would provide an aesthetically pleasing surface along the upper edges of the board. The chamfers would form a V-shaped joint at the connecting location between two boards.

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17. Claims 4-5, 15, 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Palsson et al. (US 2003/0079820) in view of Kornicer et al. (US 2003/0035921).

18. Regarding claims 4-5, 15, 17, Palsson discloses everything previously mentioned, but does not disclose the board comprises four layers and an isocyanate resin, with the outer two layers having strands oriented in a longitudinal direction, and the inner layers having strands oriented predominantly in a transverse direction.

Kornicer, however, discloses a board made of oriented strand board with an isocyanate resin (paragraph 0013). The board comprises four layers (as seen in Figure 1), with the outer two layers having strands oriented in a longitudinal direction, and the inner layers having strands oriented predominately in a transverse direction. It would have been obvious to one having ordinary skill in the art at the time of invention to modify Palsson's floor board to have an isocyanate resin and two outer layers with strands oriented in a longitudinal direction and two inner layers having strands oriented in a transverse direction, as this would provide a strong and durable material for a flooring system.

### ***Response to Arguments***

19. Applicant's arguments filed on 11 October 2006 have been fully considered but they are not persuasive.

20. Applicant's arguments with respect to claims 1 and 3-6 in view of Thiers and Kornicer have been considered but are moot in view of the new ground(s) of rejection.

21. Regarding applicant's arguments about the rejection in view of Palsson: Palsson clearly discloses in Figure 6 the tongue (11) having a bevel (23) and a recess (6)

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adjacent the bevel (23). Additionally, the bottom lip (A) of the groove has a concave recess over its entire length, and the tongue (11) has a convex underside which corresponds to the recess. The recess forms a depression along the longitudinal and/or transverse side. At any point along the longitudinal and/or transverse side having a groove there is a depression. Therefore, there would be a plurality of depressions, all of which are obviously capable of accommodating a nail head or screw head.

### ***Conclusion***

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Devoti whose telephone number is 571-272-2733. The examiner can normally be reached on M-F.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/29/06

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